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From: Lawrence E. Laubscher, Jr.

In re application of

D.C. John TA et al.

Group Art Unit 2666

Application No. 10/036,153

Examiner: Ronald B. Abelson

Filed: October 24, 2001

For: METHODS OF PERFORMANCE ESTIMATION IN PROVISIONING DELAY  
INTOLERANT DATA SERVICES

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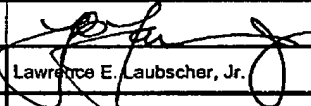
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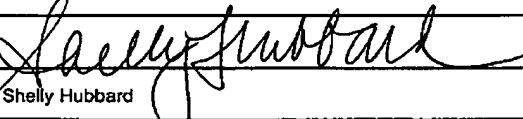
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10036,153
	Filing Date	October 24, 2001
	First Named Inventor	D.C. John TA
	Art Unit	2666
	Examiner Name	Ronald B. Abelson
	Attorney Docket Number	21927
Total Number of Pages in This Submission		6

ENCLOSURES (Check all that apply)		
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Firm Name	Laubscher Severson	
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Typed or printed name	Shelly Hubbard	Date December 5, 2005

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## PATENTS

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

D.C. John TA et al.

Group Art Unit 2666

Application No. 10/036,153

Examiner: Ronald B. Abelson

Filed: October 24, 2001

For: METHODS OF PERFORMANCE ESTIMATION IN PROVISIONING DELAY  
INTOLERANT DATA SERVICES**REQUEST FOR RECONSIDERATION**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests reconsideration of the rejection of claims 1-27 set forth in the Office Action dated September 6, 2005.

1. Claims 1, 2, 17, and 22-24 were rejected under §103(a) as obvious over the Field US patent No. 5,428,616 in view of the Saunders patent application publication No. 2002/00974463.

Applicant courteously contends that Field represents non-analogous art. Claim 1 of the present application is directed to a switching node for evaluating packet switching performance. However, Field relates to a packet transmission system in which variable delays are measured by accumulating output buffering delays incurred by a packet as the packet is processed in each compliant node in its path. As each output queuing delay is incurred after each packet switching function completes its task, Field therefore explicitly does not teach evaluating the packet